

BILL NO. G-14-09-30

GENERAL ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 94 "FIRE PREVENTION CODE" OF THE CODE OF ORDINANCES OF THE CITY OF FORT WAYNE, INDIANA.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, ALLEN COUNTY, INDIANA:

SECTION 1. Chapter 94 entitled "Fire Prevention Code" of the Code of Ordinances of the City of Fort Wayne, Indiana, is hereby amended as follows:

CHAPTER 94: FIRE PREVENTION CODE

Section

Fire Prevention Provisions

- 94.01 Title
- 94.02 Purpose
- 94.03 Applicability
- 94.04 Adoption
- 94.05 Administration
- 94.06 Enforcement authority
- 94.07 Inspections
- 94.08 Right of entry
- 94.09 Violations; orders to correct
- 94.10 Administrative appeals
- 94.11 Remedies

- 94.12 Investigations
- 94.13 Review and final inspection of site plans
- 94.14 Review of building plans and certificate of occupancy

On-Site Fire Protection

- 94.15 On-site fire protection - plans and connections
- 94.16 On-site fire protection - water supply
- 94.17 On-site fire protection - fire hydrants
- 94.18 Obstruction of fire fighting appliances
- 94.19 Portable fire extinguishers
- 94.20 Operations at fire or other emergencies
- 94.21 Life Safety and Fire Protection Reports
- 94.22 Hood Suppression Systems – Mobile Food Unit
- 94.23 Structures Using Engineered Lumber

Inspections

- 94.30 Inspection fees

Fire Lanes

- 94.40 Fire lanes established
- 94.41 Obstruction of fire lanes
- 94.42 Enforcement provisions
- 94.43 Buildings without fire lanes declared nuisance; abatement; suit
- 94.44 Lanes to be kept open and marked

Fire Watch/Standby Personnel

- 94.50 Fire Watch/Standby Personnel

Smoke Detectors

- 94.60 Smoke detectors
- 94.61 Basic requirements
- 94.62 Installation; location
- 94.63 Maintenance
- 94.64 Duty of property owner, manager, or rental agent
- 94.65 Enforcement of provisions

Burning Regulations

- 94.70 Open burning
- 94.71 Burning prohibited
- 94.72 Enforcement of provisions

Indoor Tire Storage

- 94.80 Indoor/Outdoor tire storage permit
- 94.81 Enforcement of provisions

Temporary Propane Tank Storage

- 94.90 Temporary propane tank storage permit
- 94.91 Enforcement provisions
- 94.92 Above and Below Ground Tank Registration
- 94.93 Enforcement of provisions
- 94.94 Fire and Life Safety Protection Service Contractor Registration
- 94.95 Enforcement of provisions

Fireworks and Pyrotechnics

- 94.100 Fireworks and pyrotechnics permits
- 94.101 Sky lanterns/open flame aerial devices

94.102 Enforcement of provisions

Penalties, Severability, Authority

94.199 Penalties

94.200 Severability

94.201 Authority

FIRE PREVENTION PROVISIONS

§94.14 REVIEW OF BUILDING PLANS AND CERTIFICATE OF OCCUPANCY.

§94.14 AMEND THIS SECTION AS FOLLOWS:

ADD: (D)

(D) The Fire Department shall be charged with the duty of enforcing 94.14 (A), (B), and (C).

ON-SITE FIRE PROTECTION

§94.15 ON-SITE FIRE PROTECTION - PLANS & CONNECTIONS.

§94.15 AMEND THIS SECTION AS FOLLOWS:

ADD: (C)

(C) Installation Certification; upon completion of installation of any and all on-site fire, smoke and/or life safety protection appliances or systems, the contractor shall submit to the Fire Marshal and/or Fire Code Enforcement Division, a written certification that any and all appliances or systems have been installed in accordance with the approved plans and NFPA Standards.

ADD: (D)

(D) Enforcement of Provisions. The Fire Department shall be charged with the duty of enforcing the terms of 94.15

ADD NEW §94.21 LIFE SAFETY AND FIRE PROTECTION REPORTS.

§94.21 LIFE SAFETY AND FIRE PROTECTION REPORTS.

(A) A copy of an itemized report upon completion of an inspection, maintenance, repair, or replacement performed in accordance with the applicable standards on any and all life safety or fire protections appliances and systems including but not limited to fire sprinkler systems, standpipe systems, fire alarms, smoke detection, monitoring systems, fire extinguishing hood systems, private fire hydrants, private water main systems, fire extinguishers, other extinguishing systems, fire hose shall be forwarded by the entity, contractor, company or individual performing the service to the Fort Wayne Fire Department Code Enforcement Division, Fort Wayne Fire Marshal or a Designee set forth by the Fire Marshal. The report shall include a pass or fail along with a listing of any and all deficiencies found. The report shall also include any repairs or replacements that were completed at the time of inspection or maintenance.

(B) Enforcement of Provisions.

The Fire Department shall be charged with the duty of enforcing the terms of § 94.21.

ADD NEW §94.22 HOOD SUPPRESSION SYSTEMS – Mobile Food Unit.

§ 94.22 HOOD SUPPRESSION SYSTEMS – Mobile Food Unit

(A) A Type 1 hood shall be installed at or above all commercial food heat processing appliances that produce grease vapors in a mobile food unit as defined by the Board of Health.

(B) The Fort Wayne Fire Department shall be charged with the duty of enforcing § 94.22

ADD NEW §94.23 STRUCTURES USING ENGINEERED LUMBER.

§ 94.23 STRUCTURES USING ENGINEERED LUMBER

(A)

1. Definitions:

- a. Engineered Lumber shall mean prefabricated I-joists, truss joists, and truss rafters, and laminated beams and studs.
- b. Structure shall mean primary, secondary and accessory structures that have electrical meters that serve the structure.

2. All structures constructed with engineered lumber after the effective date of this ordinance must have a reflective symbol affixed to each electrical meter serving the structure.
 3. The reflective symbol shall be in the form of a sticker, issued by the City of Fort Wayne that states that the structure is constructed with engineered lumber.
 4. The owner of any structure that was constructed with engineered lumber prior to the effective date of this ordinance is requested to place the reflective symbol on the electrical meter serving the structure on a voluntary basis.
- (C)(B) The Fort Wayne Fire Department shall be charged with the duty of enforcing § 94.23.

ADD NEW §94.50 FIRE WATCH/STANDBY PERSONNEL.

FIRE WATCH/STANDBY PERSONNEL

§ 94.50 FIRE WATCH/STANDBY PERSONNEL

When required by fire or building code, fire watch/standby personnel shall be certified firefighting personnel approved by the Fire Chief or Fire Marshal to perform such services. Persons performing such duty shall be compensated at the rate of one and a half times an Inspectors hourly rate for one-tenth or partial one-tenth hour worked by the entity the service is being performed for. Firewatch/Standby Personnel shall be compensated a minimum of two hours.

AMEND §94.80 INDOOR/OUTDOOR TIRE STORAGE PERMIT.

INDOOR TIRE STORAGE

§ 94.80 INDOOR/OUTDOOR TIRE STORAGE PERMIT.

(A) The provisions of this section concerning tire storage apply to all structures where an excess of 100 tires, new, used or waste, are stored on a property or inside a structure.

(B) The owner, occupant or representative of the business or structure where an excess of 100 tires are stored shall obtain an information permit issued by the Fort Wayne Fire Department for the storage of tires inside a structure. The permit must be made available upon request of a Fire Department official.

(C) The owner, occupant or representative of the business must submit the following information:

- (1) Name of the business;
- (2) Name, date of birth, and social security number of business owner;
- (3) Address where the tires are stored; location of storage on property to be included
- (4) Estimated maximum number of tires stored at the site;
- (5) Name, date of birth, and social security number of the person responsible for the tires;
- (6) Address and phone number of person responsible for the tires; and
- (7) A statement of acknowledgment, with the structure owner's signature, that the structure owner is aware that tires are being stored inside the structure.

ADD §94.92 ABOVE AND UNDERGROUND TANKS REGISTRATION

§ 94.92 ABOVE AND UNDERGROUND TANKS REGISTRATION

(A) The provisions of this section apply to all businesses where above or below ground tanks are located.

(B) The owner, occupant or representative of the business where above or below ground tanks are located shall register with an informational permit when installing, removing, abandoning in place, and/or placing temporarily out of service issued by the Fort Wayne Fire Department Code Enforcement Division. The permit must be made available upon request of a Fire Department official.

(C) The owner, occupant or representative of the business must submit the following information for each site having above or below ground tanks:

- (1) Name of the business;
- (2) Name of business owner;
- (3) Address; location of storage on property to be included
- (4) Number of tanks located at the site;
- (5) Name of the person responsible for the tanks;

(6) Address and phone number of person/company responsible for the tanks

(D) The owner, occupant or representative of the business must submit the following information for each site when installing, removing, abandoning in place, or placing temporarily out of service, above or below ground tanks:

- (1) Name of the business;
- (2) Name of business owner;
- (3) Address of installation or removal
- (4) Number of tanks installing or removing;
- (5) Name of the company responsible for the tanks installation and/or removal

Address and phone number of said company

ADD §94.93 ENFORCEMENT OF PROVISIONS.

§ 94.93 ENFORCEMENT OF PROVISIONS.

The Fire Department shall be charged with the duty of enforcing the terms of 94.92

If the contractor, entity, company or individual performing the service fails to register as required they are in violation of 94.92 (D) and the penalty shall be \$250. Notice of violation shall be left with the contractor, entity, company, individual or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$300

**ADD §94.94 FIRE AND LIFE SAFETY PROTECTION SERVICE CONTRACTOR
REGISTRATION.**

**§ 94.94 FIRE AND LIFE SAFETY PROTECTION SERVICE CONTRACTOR
REGISTRATION**

(A) All persons, companies or corporations including but not limited to; service, inspect, repair, maintain, alter, charge, recharge, hydro-test, install, remove, sensitivity test or replacement of any life safety appliances and systems including but not limited to fire sprinkler systems, standpipe systems, fire alarms, smoke detection, monitoring systems, fire extinguishing hood systems, private fire hydrants, private water main systems, fire extinguishers, other extinguishing systems, and fire hose shall register on an annual basis with the Fort Wayne Fire Code Enforcement Division of the Fort Wayne

Fire Prevention Bureau. Registration form may be done online or downloaded with the Fort Wayne Fire Department's website.

ADD §94.95 ENFORCEMENT OF PROVISIONS.

§ 94.95 ENFORCEMENT OF PROVISIONS.

The Fire Department shall be charged with the duty of enforcing the terms of § 94.94

If the contractor, entity, company or individual performing the service fails to register as required they are in violation of 94.94 and the penalty shall be \$100. Notice of violation shall be left with the contractor, entity, company, individual or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150.

FIREWORKS & PYROTECHNICS

ADD §94.101 SKY LANTERNS/OPEN FLAME AERIAL DEVICES.

§ 94.101 SKY LANTERNS/OPEN FLAME AERIAL DEVICES

No person shall release or cause to be released a sky lantern/open flame aerial device with the intention of causing the lantern to lift into the atmosphere unless the lantern is anchored or tethered to the person's property such that the lantern cannot freely lift into the atmosphere.

AMEND §94.102 ENFORCEMENT OF PROVISIONS.

§ 94.102 ENFORCEMENT OF PROVISIONS.

The Fire Department shall be charged with the duty of enforcing the terms of § 94.100.

Any person who causes an sky lantern/open flame aerial device to be released into the atmosphere not permitted in § 94.102 shall be in violation of § 94.102. The penalty shall be \$100. If the violator does not appear in response to a notice issued to them or placed in a noticeable location at the place of residence, business, or burn site within a period of 30 calendar days from date and time shown on said notice, the penalty shall be \$150

AMEND: PENALTIES, SEVERABILITY, AUTHORITY

PENALTIES, FEES, SEVERABILITY, AUTHORITY

AMEND §94.199 PENALTIES.

§ 94.199 PENALTIES AND FEES.

(A) If any person, firm or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Fire Chief, or shall fail, neglect or refuse to obey any lawful order given by the Fire Chief, in connection with the provisions of this code, for each such violation, failure or refusal, such person, firm or corporation shall be liable to the city for a civil forfeiture in a sum not less than \$20.00, not more than \$2,500.00. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the city, the City Attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

(B) There is hereby established the following citation schedule of penalties for violations of the provisions of the City of Fort Wayne Fire Prevention Code. Penalties shall be paid to the Fort Wayne Ordinance Violations Bureau who shall deposit the funds in the Fire Fund of the Fort Wayne Fire Department.

(1) If the owner, operator, or agent fails to correct a cited violation of the Indiana Fire Prevention Code as adopted in § 94.04, the penalty shall be \$100 for each violation cited. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator, or agent after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$150.

(2) If the owner, occupant, manager or other agent obstructs a fire hydrant, fire department connection, or fire protection control valve they are in violation of § 94.18 and the penalty shall be \$100. Notice of violation shall be left with the owner, occupant, manager or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150

(3) If the owner, occupant, manager or other agent fails to install or maintain portable fire extinguishers as required they are in violation of § 94.19, the penalty shall be \$100. Notice of violation shall be left with the owner, occupant, manager or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150.

(4) If the owner, operator, manager or agent of a commercial, industrial, or public building fails to establish and maintain open fire lanes, said owner, operator, manager, or agent shall be in violation of § 94.40. The penalty shall be \$100. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to the notice issued after 30 calendar days from the date and time shown on said notice the penalty shall be \$150.

(5) If a vehicle with or without a licensed driver is parked or obstructs a fire lane in violation of § 94.056, the penalty shall be \$100. If the violator does not appear in response to a notice affixed to such vehicle within a period of 30 calendar days from the date and time shown on said notice, the penalty shall be \$150.

(6) Any person, firm or corporation violating provisions of §§ 94.60 through 94.64, or who shall fail to comply with an order as affirmed or modified by the authority having jurisdiction, shall be subject to a fine of \$100. Each day such violation is permitted to continue may be deemed to constitute a separate offense. The violation and penalty as described in §§ 94.60 through 94.65 shall not be subject to any other fine or penalty within this chapter.

(7) Any person who maintains burning of combustible materials out of doors or open burning not permitted in § 94.70 shall be in violation of § 94.70. The penalty shall be \$100. If the violator does not appear in response to a notice issued to them or placed in a noticeable location at the place of residence, business, or burn site within a period of 30 calendar days from date and time shown on said notice, the penalty shall be \$150.

(8) If the owner, operator, or representative fails to obtain a Tire Storage Permit as required in § 94.80, the penalty shall be \$100 for each violation cited. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator, or representative after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$150.

(9) If the owner, operator, or representative fails to obtain a Temporary Propane Tank Storage Permit as required in § 94.90, the penalty shall be \$100 for each violation cited. Each day such violation is permitted to continue may be deemed a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator or representative after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$150.

(10) If the owner, operator, or representative fails to obtain a Fireworks and Pyrotechnics Permit as required in § 94.100, the penalty shall be \$100 for each violation cited. Each day such a violation is permitted to continue may be deemed a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator, or representative after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$150.

(11) If the fire protection contractor, owner, occupant, manager, or other agent fails to submit written certifications of installed life safety appliances or systems as required they are in violation of § 94.15 (C) and the penalty shall be \$100. Notice of violation shall be left with the contractor, owner, occupant, manager or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150.

(12) If the fire protection contractor, entity, company or individual performing the service fails to submit a detailed report upon completion of an inspection, maintenance or repair performed on any and all life safety protections appliances and systems including but not limited to fire sprinkler systems, standpipe systems, fire alarms, smoke detection, monitoring systems, fire extinguishing hood systems, private fire hydrants, private water main systems, fire extinguishers, other extinguishing systems, and fire hose as required they are in violation of § 94.21 and the penalty shall be \$100. Notice of violation shall be left with the contractor, entity, company, individual or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150

(13) If a mobile food unit operator fails comply with the installation of a Type 1 Hood system over heat producing appliances that produce grease laden vapors they are in violation of § 94.22 and the penalty shall be \$100. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150

(14) Any person violating 94.23 by refusing to use the reflective symbol or by removing the reflective symbol shall be subject to a fine in an amount of \$100 per violation. Each day that a violation occurs shall constitute a separate violation, subject to a separate fine. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150

(15) If the contractor, entity, company or individual performing the service fails to register as required they are in violation of § 94.92 (D) and the penalty shall be \$250. Notice of violation shall be left with the contractor, entity, company, individual or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$300

(16) Failure to submit fire and life safety protection contractor registration § 94.94 \$100; \$150 if failure to appear after 30 calendar days from date of notice

(C) There is hereby established the following fees of the City of Fort Wayne Fire Prevention Code. Fees shall be paid to the **Fort Wayne Fire Department** who shall deposit the funds in the Fire Fund of the Fort Wayne Fire Department.:

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY

CAROL HELTON, CITY ATTORNEY

CHAPTER 94: FIRE PREVENTION CODE

Section

Fire Prevention Provisions

- 94.01 Title
- 94.02 Purpose
- 94.03 Applicability
- 94.04 Adoption
- 94.05 Administration
- 94.06 Enforcement authority
- 94.07 Inspections
- 94.08 Right of entry
- 94.09 Violations; orders to correct
- 94.10 Administrative appeals
- 94.11 Remedies
- 94.12 Investigations
- 94.13 Review and final inspection of site plans
- 94.14 Review of building plans and certificate of occupancy

On-Site Fire Protection

- 94.15 On-site fire protection - plans and connections
- 94.16 On-site fire protection - water supply
- 94.17 On-site fire protection - fire hydrants
- 94.18 Obstruction of fire fighting appliances

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

- 94.19 Portable fire extinguishers
- 94.20 Operations at fire or other emergencies
- 94.21 Life Safety and Fire Protection Reports
- 94.22 Hood Suppression Systems – Mobile Food Unit
- 94.23 Structures Using Engineered Lumber

Inspections

- 94.30 Inspection fees

Fire Lanes

- 94.40 Fire lanes established
- 94.41 Obstruction of fire lanes
- 94.42 Enforcement provisions
- 94.43 Buildings without fire lanes declared nuisance; abatement;
suit
- 94.44 Lanes to be kept open and marked

Fire Watch/Standby Personnel

- 94.50 Fire Watch/Standby Personnel

Smoke Detectors

- 94.60 Smoke detectors
- 94.61 Basic requirements
- 94.62 Installation; location
- 94.63 Maintenance
- 94.64 Duty of property owner, manager, or rental agent
- 94.65 Enforcement of provisions

Burning Regulations

- 94.70 Open burning

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

94.71 Burning prohibited

94.72 Enforcement of provisions

Indoor Tire Storage

94.80 Indoor/Outdoor tire storage permit

94.81 Enforcement of provisions

Temporary Propane Tank Storage

94.90 Temporary propane tank storage permit

94.91 Enforcement of provisions

94.91

94.92 Above and Below Ground Tank Registration

94.93 Enforcement of provisions

Fireworks and Pyrotechnics

94.100 Fireworks and pyrotechnics permits

94.101 Sky lanterns/open flame aerial devices

94.102 Enforcement of provisions

Penalties, Severability, Authority

94.199 Penalties

94.200 Severability

94.201 Authority

Formatted: Font color: Auto

Formatted: Bullets and Numbering

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

any violation of the provisions of this code or of other ordinances of the city or of rules and regulations of the State of Indiana Fire Prevention and Building Safety Commission.

(Ord. G-28-99, passed 12-28-99)

(D) The Fire Department shall be charged with the duty of enforcing 94.14 (A), (B), and (C).

ON-SITE FIRE PROTECTION

§ 94.15 ON-SITE FIRE PROTECTION - PLANS & CONNECTIONS.

(A) All installation of on-site fire protection shall be in accordance to code in effect at the time of construction. A complete set of plans and specifications for fire protection systems, including fire alarm systems, automatic sprinkler systems, standpipe systems and other special types of fire extinguishing systems and appurtenances thereto shall be submitted to the Department for review. The installation shall be at the expense of the owner or developer.

(B) All Fire Department connections to sprinkler systems and stand pipes shall be a 5" storz connection with 30 degree elbow angled down.

(Ord. G-28-99, passed 12-28-99)

(C) Installation Certification; upon completion of installation of any and all on-site fire, smoke and/or life safety protection appliances or systems, the contractor shall submit to the Fire Marshal and/or Fire Code Enforcement Division, a written certification that any and all appliances or systems have been installed in accordance with the approved plans and NFPA Standards.

(D) Enforcement of Provisions. The Fire Department shall be charged with the duty of enforcing the terms of 94.15

§ 94.16 ON-SITE FIRE PROTECTION - WATER SUPPLY.

(A) All Class 1 buildings (as defined in 675 IAC 12-6) or portions of Class 1 buildings hereafter constructed shall be provided with a water supply capable of providing the required fire flow for fire-fighting purposes for a minimum period of two hours. The water supply shall be from a source as set forth in § 903.2 of the IFC (675

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

thereof, shall have the power and authority to direct such operations as may be necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. In the exercise of such power, the Fire Chief may prohibit any person, vehicle, vessel or thing from approaching the scene and may remove or cause to be removed or kept away from the scene any vehicle, vessel or thing which may impede or interfere with the operations of the fire department.

(B) The Chief or other officer of the fire department in charge at the scene of an emergency shall have the authority to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

(C) Any person who obstructs the fire department in connection with extinguishing any fire, or other emergency, or disobeys any lawful command of the Fire Chief or officer of the fire department who may be in charge at such a scene, or any part thereof, or any police officer assisting the fire department, shall be in violation hereof and subject to the penalties provided in IC 35-44-4.

(Ord. G-28-99, passed 12-28-99)

Statutory reference:

Interference with a firefighter, see IC 35-44-4

§ 94.21 LIFE SAFETY AND FIRE PROTECTION REPORTS.

(A) A copy of an itemized report upon completion of an inspection, maintenance, repair, or replacement performed in accordance with the applicable standards on any and all life safety or fire protection appliances and systems including but not limited to fire sprinkler systems, standpipe systems, fire alarms, smoke detection, monitoring systems, fire extinguishing hood systems, private fire hydrants, private water main systems, fire extinguishers, other extinguishing systems, fire hose shall be forwarded by the entity, contractor, company or individual performing the service to the Fort Wayne Fire Department Code Enforcement Division, Fort Wayne Fire Marshal or a Designee set forth by the Fire Marshal. The report shall include a pass or fail along with a listing of any and all deficiencies found. The report shall also include any repairs or replacements that were completed at the time of inspection or maintenance.

(B) Enforcement of Provisions.

The Fire Department shall be charged with the duty of enforcing the terms of § 94.21.

§ 94.22 HOOD SUPPRESSION SYSTEMS – Mobile Food Unit

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

(A) A Type 1 hood shall be installed at or above all commercial food heat processing appliances that produce grease vapors in a mobile food unit as defined by the Board of Health.

(B) The Fort Wayne Fire Department shall be charged with the duty of enforcing § 94.22

§ 94.23 STRUCTURES USING ENGINEERED LUMBER

(A)

1. Definitions:

- a. Engineered Lumber shall mean prefabricated I-joists, truss joists, and truss rafters, and laminated beams and studs.
 - b. Structure shall mean primary, secondary and accessory structures that have electrical meters that serve the structure.
2. All structures constructed with engineered lumber after the effective date of this ordinance must have a reflective symbol affixed to each electrical meter serving the structure.
 3. The reflective symbol shall be in the form of a sticker, issued by the City of Fort Wayne that states that the structure is constructed with engineered lumber.
 4. The owner of any structure that was constructed with engineered lumber prior to the effective date of this ordinance is requested to place the reflective symbol on the electrical meter serving the structure on a voluntary basis.

(C) (B) The Fort Wayne Fire Department shall be charged with the duty of enforcing § 94.23.

INSPECTIONS

§ 94.30 INSPECTION FEES.

This section left blank for future development.

(Ord. G-28-99, passed 12-28-99)

FIRE LANES

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

(Ord. G-28-99, passed 12-28-99; Am. Ord. G-08-01, passed 5-8-01)

**§ 94.43 BUILDINGS WITHOUT FIRE LANES DECLARED NUISANCE;
ABATEMENT; SUIT.**

(A) It is declared that any building open to the public which does not have unobstructed access for fire fighting equipment constitutes a fire hazard and a public nuisance because it endangers the lives of the public.

(B) Upon recommendation of the Fire Chief, the Board of Safety may require the abatement of the nuisance by ordering the building closed to the public and evacuated, which order shall be enforced by the police department.

(C) At the request of the Board of Safety, the City Attorney may file suit in the name of the city for the abatement of the nuisance.

(Ord. G-28-99, passed 12-28-99; Am. Ord. G-08-01, passed 5-8-01)

§ 94.44 LANES TO BE KEPT OPEN AND MARKED.

No building shall constitute a nuisance as defined in § 94.41(A) if the owner and lessee provide adequately marked fire lanes and keep them open at all times for fire fighting equipment.

(Ord. G-28-99, passed 12-28-99; Am. Ord. G-08-01, passed 5-8-01)

FIRE WATCH/STANDBY PERSONNEL

§ 94.50 FIRE WATCH/STANDBY PERSONNEL

When required by fire or building code, fire watch/standby personnel shall be certified firefighting personnel approved by the Fire Chief or Fire Marshal to perform such services. Persons performing such duty shall be compensated at the rate of one and a half times an Inspectors hourly rate for one-tenth or partial one-tenth hour worked by the entity the service is being performed for. Firewatch/Standby Personnel shall be compensated a minimum of two hours.

SMOKE DETECTORS

§ 94.60 SMOKE DETECTORS.

INDOOR TIRE STORAGE

§ 94.80 INDOOR/OUTDOOR TIRE STORAGE PERMIT.

(A) The provisions of this section concerning tire storage apply to all structures where an excess of 100 tires, new, used or waste, are stored on a property or inside a structure.

(B) The owner, occupant or representative of the business or structure where an excess of 100 tires are stored shall obtain an information permit issued by the Fort Wayne Fire Department for the storage of tires inside a structure. The permit must be made available upon request of a Fire Department official.

(C) The owner, occupant or representative of the business must submit the following information:

- (1) Name of the business;
- (2) Name, date of birth, and social security number of business owner;
- (3) Address where the tires are stored; location of storage on property to be included
- (4) Estimated maximum number of tires stored at the site;
- (5) Name, date of birth, and social security number of the person responsible for the tires;
- (6) Address and phone number of person responsible for the tires; and
- (7) A statement of acknowledgment, with the structure owner's signature, that the structure owner is aware that tires are being stored inside the structure.

(Ord. G-28-99, passed 12-28-99)

§ 94.81 ENFORCEMENT OF PROVISIONS.

The Fire Department shall be charged with the duty of enforcing the terms of § 94.80.

(Ord. G-28-99, passed 12-28-99)

TEMPORARY PROPANE TANK STORAGE

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

§ 94.90 TEMPORARY PROPANE TANK STORAGE PERMIT.

(A) The provisions of this section apply to all businesses where temporary propane tanks are used for the purpose of heating roofing materials at a job site.

(B) The owner, occupant or representative of the roofing business where temporary propane tanks are used for the purpose of heating roofing materials at a job site shall obtain an information permit issued by the Fort Wayne Fire Department Code Enforcement Division for the temporary storage of propane tanks near a structure. The permit must be made available upon request of a Fire Department official.

(C) The owner, occupant or representative of the business must submit the following information for each job site having temporary propane storage:

- (1) Name, address and phone number of the roofing company using the propane;
- (2) Name and phone number of emergency contact person for the roofing company;
- (3) Business name and address where propane tanks will be temporarily stored; and
- (4) Estimated number of days propane will be on-site.

(Ord. G-28-99, passed 12-28-99)

§ 94.91 ENFORCEMENT OF PROVISIONS.

The Fire Department shall be charged with the duty of enforcing the terms of § 94.90.

(Ord. G-28-99, passed 12-28-99)

§ 94.92 ABOVE AND UNDERGROUND TANKS REGISTRATION

(A) The provisions of this section apply to all businesses where above or below ground tanks are located.

(B) The owner, occupant or representative of the business where above or below ground tanks are located shall register with an informational permit when installing, removing, abandoning in place, and/or placing temporarily out of service issued by the Fort Wayne Fire Department Code Enforcement Division. The permit must be made available upon request of a Fire Department official.

(C) The owner, occupant or representative of the business must submit the following information for each site having above or below ground tanks:

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

- (1) Name of the business;
- (2) Name of business owner;
- (3) Address; location of storage on property to be included
- (4) Number of tanks located at the site;
- (5) Name of the person responsible for the tanks;
- (6) Address and phone number of person/company responsible for the tanks

(D) The owner, occupant or representative of the business must submit the following information for each site when installing, removing, abandoning in place, or placing temporarily out of service, above or below ground tanks:

- (1) Name of the business;
- (2) Name of business owner;
- (3) Address of installation or removal
- (4) Number of tanks installing or removing;
- (5) Name of the company responsible for the tanks installation and/or removal
- (6) Address and phone number of said company

§ 94.93 ENFORCEMENT OF PROVISIONS.

The Fire Department shall be charged with the duty of enforcing the terms of 94.92

If the contractor, entity, company or individual performing the service fails to register as required they are in violation of 94.92 (D) and the penalty shall be \$250. Notice of violation shall be left with the contractor, entity, company, individual or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$300

§ 94.94 FIRE AND LIFE SAFETY PROTECTION SERVICE CONTRACTOR REGISTRATION

(A) All persons, companies or corporations including but not limited to; service, inspect, repair, maintain, alter, charge, recharge, hydro-test, install, remove, sensitivity test or replacement of any life safety appliances and systems including but not limited to fire sprinkler systems, standpipe systems, fire alarms, smoke detection, monitoring systems, fire extinguishing hood systems, private fire hydrants, private water main

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

systems, fire extinguishers, other extinguishing systems, and fire hose shall register on an annual basis with the Fort Wayne Fire Code Enforcement Division of the Fort Wayne Fire Prevention Bureau. Registration form may be done online or downloaded with the Fort Wayne Fire Department's website.

§ 94.95 ENFORCEMENT OF PROVISIONS.

The Fire Department shall be charged with the duty of enforcing the terms of § 94.94

If the contractor, entity, company or individual performing the service fails to register as required they are in violation of 94.94 and the penalty shall be \$100. Notice of violation shall be left with the contractor, entity, company, individual or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150.

FIREWORKS & PYROTECHNICS

§ 94.100 FIREWORKS & PYROTECHNICS PERMITS.

(A) The owner, occupant, or agent of an organization, business or group that uses any type of fireworks or pyrotechnic special effects materials used in motion pictures, television, and theatrical and group entertainment productions, either indoors or outdoors, shall obtain an information permit issued by the Fort Wayne Fire Department Code Enforcement Division seven calendar days prior to the use of the pyrotechnical devices. This permit shall be in addition to any other permits required by federal or state agencies. The permit must be made available upon request of a Fire Department official.

(B) The storage, use and handling of fireworks and pyrotechnics special effects shall be in accordance with IFC(675 IAC 22), Article 78 and IC 22-11-14, and current edition of NFPA standards for fireworks.

(C) The Fort Wayne Fire Department Pyrotechnics Permit must be signed by the Fire Chief or his designee and contain the following information to be valid:

(1) Name, address and phone number of the pyrotechnic company doing the production or display;

(2) Name and qualifications of the pyrotechnic operator doing the production or display;

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

(3) Contact name, address and phone for whom the production or display is being performed;

(4) A detailed location where the display shall take place;

(5) Date and time of the display;

(6) Estimated number of pyrotechnical devices to be used and length of show; and

(7) A copy of a certificate of insurance conditioned for damages and/or injury to persons or property in the amount of not less than \$100,000 shall be attached to the permit.

(Ord. G-28-99, passed 12-28-99)

§ 94.102 SKY LANTERNS/OPEN FLAME AERIAL DEVICES

No person shall release or cause to be released a sky lantern/open flame aerial device with the intention of causing the lantern to lift into the atmosphere unless the lantern is anchored or tethered to the person's property such that the lantern cannot freely lift into the atmosphere.

§ 94.103 ENFORCEMENT OF PROVISIONS.

The Fire Department shall be charged with the duty of enforcing the terms of § 94.100.

Any person who causes an sky lantern/open flame aerial device to be released into the atmosphere not permitted in § 94.102 shall be in violation of § 94.102. The penalty shall be \$100. If the violator does not appear in response to a notice issued to them or placed in a noticeable location at the place of residence, business, or burn site within a period of 30 calendar days from date and time shown on said notice, the penalty shall be \$150

(Ord. G-28-99, passed 12-28-99)

PENALTIES, FEES, SEVERABILITY, AUTHORITY

§ 94.199 PENALTIES AND FEES.

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

(A) If any person, firm or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Fire Chief, or shall fail, neglect or refuse to obey any lawful order given by the Fire Chief, in connection with the provisions of this code, for each such violation, failure or refusal, such person, firm or corporation shall be liable to the city for a civil forfeiture in a sum not less than \$20.00, not more than \$2,500.00. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. In all cases where the same offense may be made punishable, or may be created by different clauses or sections of the ordinances of the city, the City Attorney may elect under which to proceed, but not more than one recovery shall be had against the same person for the same offense.

(B) There is hereby established the following citation schedule of penalties for violations of the provisions of the City of Fort Wayne Fire Prevention Code. Penalties shall be paid to the Fort Wayne Ordinance Violations Bureau who shall deposit the funds in the Fire Fund of the Fort Wayne Fire Department.

(1) If the owner, operator, or agent fails to correct a cited violation of the Indiana Fire Prevention Code as adopted in § 94.04, the penalty shall be \$100 for each violation cited. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator, or agent after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$150.

(2) If the owner, occupant, manager or other agent obstructs a fire hydrant, fire department connection, or fire protection control valve they are in violation of § 94.18 and the penalty shall be \$100. Notice of violation shall be left with the owner, occupant, manager or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150

(3) If the owner, occupant, manager or other agent fails to install or maintain portable fire extinguishers as required they are in violation of § 94.19, the penalty shall be \$100. Notice of violation shall be left with the owner, occupant, manager or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150.

(4) If the owner, operator, manager or agent of a commercial, industrial, or public building fails to establish and maintain open fire lanes, said owner, operator, manager, or agent shall be in violation of § 94.40. The penalty shall be \$100. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to the notice issued after 30 calendar days from the date and time shown on said notice the penalty shall be \$150

(5) If a vehicle with or without a licensed driver is parked or obstructs a fire lane in violation of § 94.056, the penalty shall be \$100. If the violator does not appear in

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

response to a notice affixed to such vehicle within a period of 30 calendar days from the date and time shown on said notice, the penalty shall be \$150.

(6) Any person, firm or corporation violating provisions of §§ 94.60 through 94.64, or who shall fail to comply with an order as affirmed or modified by the authority having jurisdiction, shall be subject to a fine of \$100. Each day such violation is permitted to continue may be deemed to constitute a separate offense. The violation and penalty as described in §§ 94.60 through 94.65 shall not be subject to any other fine or penalty within this chapter.

(7) Any person who maintains burning of combustible materials out of doors or open burning not permitted in § 94.70 shall be in violation of § 94.70. The penalty shall be \$100. If the violator does not appear in response to a notice issued to them or placed in a noticeable location at the place of residence, business, or burn site within a period of 30 calendar days from date and time shown on said notice, the penalty shall be \$150.

(8) If the owner, operator, or representative fails to obtain a Tire Storage Permit as required in § 94.80, the penalty shall be \$100 for each violation cited. Each day such violation is permitted to continue may be deemed to constitute a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator, or representative after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$150.

(9) If the owner, operator, or representative fails to obtain a Temporary Propane Tank Storage Permit as required in § 94.90, the penalty shall be \$100 for each violation cited. Each day such violation is permitted to continue may be deemed a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator or representative after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$150.

(10) If the owner, operator, or representative fails to obtain a Fireworks and Pyrotechnics Permit as required in § 94.100, the penalty shall be \$100 for each violation cited. Each day such a violation is permitted to continue may be deemed a separate offense. If the violator fails to appear in response to a notice issued to the owner, operator, or representative after 30 calendar days from the date and time shown on said notice issued, the penalty shall be \$150.

(Ord. G-28-99, passed 12-28-99)

(11) If the fire protection contractor, owner, occupant, manager, or other agent fails to submit written certifications of installed life safety appliances or systems as required they are in violation of § 94.15 (C) and the penalty shall be \$100. Notice of violation shall be left with the contractor, owner, occupant, manager or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150.

REDLINE COPY REDLINE COPY REDLINE COPY REDLINE COPY

(12) If the fire protection contractor, entity, company or individual performing the service fails to submit a detailed report upon completion of an inspection, maintenance or repair performed on any and all life safety protections appliances and systems including but not limited to fire sprinkler systems, standpipe systems, fire alarms, smoke detection, monitoring systems, fire extinguishing hood systems, private fire hydrants, private water main systems, fire extinguishers, other extinguishing systems, and fire hose as required they are in violation of § 94.21 and the penalty shall be \$100. Notice of violation shall be left with the contractor, entity, company, individual or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150

(13) If a mobile food unit operator fails comply with the installation of a Type I Hood system over heat producing appliances that produce grease laden vapors they are in violation of § 94.22 and the penalty shall be \$100. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150

(14) Any person violating 94.23 by refusing to use the reflective symbol or by removing the reflective symbol shall be subject to a fine in an amount of \$100 per violation. Each day that a violation occurs shall constitute a separate violation, subject to a separate fine. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$150

(15) If the contractor, entity, company or individual performing the service fails to register as required they are in violation of § 94.92 (D) and the penalty shall be \$250. Notice of violation shall be left with the contractor, entity, company, individual or other agent in charge. If the violator fails to appear in response to a notice issued after 30 calendar days from the date and time shown the penalty shall be \$300

(16) Failure to submit fire and life safety protection contractor registration § 94.94 \$100; \$150 if failure to appear after 30 calendar days from date of notice

(C) There is hereby established the following fees of the City of Fort Wayne Fire Prevention Code. Fees shall be paid to the Fort Wayne Fire Department who shall deposit the funds in the Fire Fund of the Fort Wayne Fire Department.:

§ 94.200 SEVERABILITY.

The invalidity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter.

(Ord. G-28-99, passed 12-28-99)